

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

CNG AUTO GROUP, INC. d/b/a TOP
WHEELS; ELONTO R. HERNANDEZ COLON;
and JULISSA M. FUENTES RIVERA,

Defendants.

CIVIL NO. 15-1824 (JAG) (CVR)

Breach of Contract,
Collection of Monies,
Repossession of Personal Property

MOTION FOR ENTRY OF DEFAULT

TO THE CLERK OF THE COURT:

COMES NOW Plaintiff NextGear Capital, Inc. ("NextGear"), through the undersigned attorneys, and respectfully states:

1. On October 15, 2015, this Honorable Court issued an Order granting NextGear's Motion for Service by Publication specifying that the service of process would be due by November 16, 2015. See Docket No. 27.

2. On November 13, 2015, NextGear filed a Motion Submitting Evidence of Service by Publication. See Docket No. 33.

3. As stated in the issued Summonses by Publication (Docket No. 31), Defendants had thirty (30) days after publication of the Summonses, to plead or answer the Complaint.

4. NextGear has proven that the Summonses were published on October 16, 2015. See Docket No. 33 at ¶ 2 and Exhibit 1 thereto (Docket No. 33-1). Consequently, Defendants had until November 16th to answer the Complaint or otherwise plead.

5. To this day, Defendants have neither appeared in this case nor filed an Answer to the Complaint.

6. Defendants have purposefully ignored the present litigation since they were appraised of it on August 14, 2015; the day when the repossession of approximately 22 vehicles (out of 31) was carried out in Defendants' dealership.

7. Beginning on August 14th, Defendants tenaciously avoided service of process, forcing NextGear to serve them through publication.

8. Having been served by publication, Defendants have received due process.

9. NextGear therefore requests that default be entered against Defendants.

WHEREFORE NextGear respectfully requests that this Honorable Court enter default against CNG Auto Group, Inc. d/b/a Top Wheels, Elonto R. Hernández Colón, and Julissa M. Fuentes Rivera.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 31st day of December, 2015.

McConnell Valdés LLC

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